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d/b/a Hertz Local Edition

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Ronald Daniel Masters,
Plaintiff,

v.

The Hertz Corporation d/b/a Hertz Local
Edition,
Defendants.

Case No. _____

**NOTICE OF REMOVAL WITH
VERIFICATION OF
CHRISTOPHER ROBERTSON**

**TO: THE HONORABLE JUDGES AND CLERK OF THE ABOVE-ENTITLED
COURT**

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1331, 1332, 1367, 1441, and 1446, Defendant The Hertz Corporation d/b/a Hertz Local Edition (“Hertz”), by and through its attorneys, Seyfarth Shaw LLP and Quintairos, Prieto, Wood & Boyer, P.A., files this Notice of Removal and states as follows:

I. INTRODUCTION

1. Plaintiff Ronald Daniel Masters (“Plaintiff”) commenced an action against Hertz in the Superior Court of the State of Arizona, in and for the County of Maricopa, by filing his Complaint on August 22, 2019 (the “State Action”). The State Action is recorded on the docket of said court as Case No. CV2019-096402.

2. Copies of all process, pleadings, and orders filed in the State Action are attached hereto as Exhibit A.

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2 **II. REMOVAL IS PROPER BECAUSE HERTZ HAS SATISFIED THE**
3 **DIVERSITY-OF-CITIZENSHIP REQUIREMENT**

4 3. The parties are citizens of different states. In his Complaint, Plaintiff
5 indicates that he resides in Maricopa County at 1805 W. Naranja Ave, Mesa, Arizona
6 85202. *See* Ex. A (2), address listed in caption.

7 4. Hertz is not a citizen of Arizona. Corporations are deemed citizens of their
8 state of incorporation and the state of their principal places of business. *See* U.S.C. §
9 1332 (c)(1); *see also Leica Corp v. Friend*, 559 U.S. 77, 92-93 (2010). A corporation's
10 principle place of business refers "to the place where a corporation's officers direct,
11 control and coordinate the corporations activities," and "in practice it should normally be
12 the place where the corporation maintains its headquarters-provided that the
13 headquarters is the actual center of direction, control and coordination." *Id.* (further
14 noting that a corporation's principal place of business is its "nerve center").
15 Accordingly, for diversity purposes, Hertz is a citizen of Delaware, which is its state of
16 incorporation, and Florida, which is the state of its principal place of business. *See*
17 Exhibit C.

18 5. Thus, the parties are completely diverse and, because the corporate
19 defendant is not a citizen of the state in which the action was brought, *see* 28 U.S.C. §
20 1441(b)(2), the "citizenship" component of the removal analysis is satisfied.

21 **III. HERTZ HAS SATISFIED THE AMOUNT-IN-CONTROVERSY**
22 **REQUIREMENT**

23 6. This case also meets the amount-in-controversy requirement of Section
24 1332. While Hertz denies any liability as to Plaintiff's claims, the amount-in-
25 controversy requirement is satisfied because, according to the Plaintiff, he is seeking
26 damages in excess of \$75,000 exclusive of interest and costs. *See* 28 U.S.C. § 1332(a);
27 28 U.S.C. § 1446(c)(2). In his Complaint, Plaintiff asserts damages in the amount of
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2 \$148,000, which includes (a) 12 months of severance or \$73,000; and (b) \$75,000 in
3 emotional distress damages. *See* Ex. A (4), Demand for Relief ¶¶ 1-4.

4 7. Because the amount in controversy exceeds \$75,000, this case is
5 removable under 28 U.S.C. § 1441 on diversity-of-citizenship grounds.

6 **IV. REMOVAL IS ALSO PROPER BECAUSE THE PLAINTIFF BRINGS A**
7 **CLAIM UNDER THE FLSA**

8 8. Among other things, Plaintiff asserts a claim under the Fair Labor
9 Standards Act, a federal statute codified at 29 U.S.C. § 215 *et seq.* (“FLSA”).

10 9. The Complaint alleges that the Defendants violated the FLSA by
11 retaliating against him for filing a formal complaint with the Department of Labor. Ex.
12 A (2), Applicable Law Supporting Claims ¶ 3. It seeks an award of monetary damages,
13 injunctive relief and other nonmonetary relief. Ex. A (2), Demand for Relief ¶¶ 1-4.

14 10. This action therefore presents a federal question over which this Court has
15 original jurisdiction. 28 U.S.C. § 1331 (conferring original jurisdiction upon federal
16 courts in actions “arising under the ... laws ... of the United States”).

17 **V. THIS COURT HAS SUPPLEMENTAL JURISDICTION OVER**
18 **PLAINTIFF’S STATE LAW CLAIMS**

19 11. Plaintiff also asserts claims under the Arizona Revised Statutes, §23-352
20 for withholding wages and Arizona Revised Statutes, §§ 23-1501 *et seq.* for violating the
21 Arizona’s whistleblower statute. *See* Ex. A (2), Applicable Law Supporting Claims ¶¶
22 1-3.

23 12. This Court has supplemental jurisdiction over Plaintiff’s state-law claims
24 pursuant to 28 U.S.C. § 1367(a) and (b).

25 13. Because Plaintiff could have brought his claims in federal court, this action
26 is properly removed in accordance with 28 U.S.C. § 1441.

VI. HERTZ HAS SATISFIED THE PROCEDURAL REQUIREMENTS FOR REMOVAL

14. On August 28, 2019, Plaintiff served Hertz with the Summons and Complaint by way of its registered agent. *See* Exhibit A(7).

15. In accordance with 28 U.S.C. § 1446(b), Hertz filed its Notice of Removal within thirty (30) days after it was served with the Complaint.

16. Venue is proper in this District under 28 U.S.C. § 1441(a) because, under 28 U.S.C. § 82, this District embraces Maricopa County, Arizona, the place where the State Action has been pending.

17. Written notice of the filing of this Notice of Removal is being delivered to Plaintiff directly because he has elected to represent himself. Pursuant to 28 U.S.C. § 1446 and L.R. Civ. 3.6(a), a copy of the Notice of Removal will be filed with the Clerk of the Court of the Superior Court, County of Maricopa. *See* Exhibit B.

18. Hertz has also submitted, along with its Civil Cover Sheet, a Supplemental Civil Cover Sheet for Cases Removed from Another Jurisdiction, as required by Local Rule L.R. Civ. 3.6.

19. Hertz files this Notice in accordance with Fed. R. Civ. P. 11.

20. By filing this Notice of Removal, Hertz neither concedes nor waives any defense to this action. Hertz reserves all defenses relating to the Court's jurisdiction and the justiciability of this action.

WHEREFORE, Hertz respectfully requests that this Notice of Removal be filed, that the State Action be removed to and proceed hereafter in this Court, and that no further proceedings be had in the State Action.

RESPECTFULLY SUBMITTED this 26th day of September, 2019.

QUINTAIROS, PRIETO, WOOD & BOYER, P.A.

By /s/Anthony J. Fernandez
Anthony J. Fernandez
Local Counsel for Defendant The Hertz
Corporation d/b/a Hertz Local Edition

VERIFICATION OF CHRISTOPHER F. ROBERTSON

I, Christopher F. Robertson, verify as follows:

1. I am an active member in good standing of the State Bar of Massachusetts. I am an attorney with the law firm of Seyfarth Shaw, LLP, counsel of record for Defendant The Hertz Corporation d/b/a Hertz Local Edition. I have firsthand knowledge of the matters set forth herein. I submit this verification pursuant to L.R. Civ. P. 3.6(b) and Fed. R. Civ. P. 11.

2. Attached as Exhibit "A" are true and correct copies of all pleadings and other documents filed in the state court civil action originally commenced in the Superior Court of the State of Arizona, in and for the County of Maricopa, entitled *Ronald Daniel Masters v. The Hertz Corporation d/b/a Hertz Local Edition*, Case No. CV2019-096402.

3. Attached as Exhibit "B" is a true and correct copy of Notice of Removal to Maricopa County Superior Court.

4. Attached as Exhibit "C" is a true and correct copy of The Hertz Corporation 10Q Filing.

I verify that the foregoing is true and correct to the best of my knowledge.

Executed this 26th day of September 2017, at Boston, Massachusetts.

/s/Christopher F. Robertson
Christopher F. Robertson

CERTIFICATE OF SERVICE

I, Anthony J. Fernandez, an attorney, certify that I caused a copy of the attached
**NOTICE OF REMOVAL WITH VERIFICATION OF CHRISTOPHER F.
ROBERTSON** to be served upon Plaintiff by U.S. mail and electronic mail on
September 26, 2019:

Ronald Daniel Masters
1805 W. Naranja Ave.
Mesa, Arizona 85202
foodmasters1960@yahoo.com
Plaintiff

/s/Anthony J. Fernandez
Anthony J. Fernandez